

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
APRIL 16, 2003

The Tippecanoe County Commissioners met on Wednesday, April 16, 2003 at 10:00 A.M. in the Wabash Room in the County Office Building. Commissioners present were: President KD Benson and John L. Knochel; County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Auditor Robert A. Plantenga was absent.)

President Benson called the meeting to order.

POOR RELIEF HEARING: Dawn Gerrard vs Fairfield Township Trustee

Dawn Gerrard, 60 Heather Circle Laf., was present to appeal her denial of \$611.15 for energy assistance by the Fairfield Township Trustee. Ms Gerrard was represented by Ms Trice from Legal Services.

Fairfield Township Attorney Michael Parkinson, Fairfield Township Trustee Jerry Smelser, and Fairfield Township Poor Relief Caseworker Sharon Hobaugh were present to represent the Township.

The witnesses were sworn in by County Attorney Luhman who then called upon Ms Gerrard to present her case.

Ms Trice submitted Applicant's Exhibits 1-5 and asked Ms Gerrard for clarifications:

- ♦ 3/25/03 Ms Gerrard applied for energy assistance in the amount of \$611.15 to pay Cinergy bills for January, February, and March of 2003
- ♦ Ms Gerrard is unemployed, pays no rent, and receives Food Stamps as a supplement.
- ♦ Five (5) individuals in Ms Gerrard's household. She has a 21 year old daughter, a Purdue student, who will graduate this spring and plans to move to another location. Ms Gerrard pays none of her expenses beside providing room and board. The Housing Authority has no objection to this arrangement. She has two (2) minor children for whom she receives \$75 per week support and one minor child for whom she began receiving \$120 per week on April 15th.
- ♦ Ex 1: A list of Ms Gerrard's estimated monthly expenses.
- ♦ Ex 2: Cinergy Budget Plan showing defaulted amount of \$611.15. 4/9/03, a deferral payment plan with Cinergy set up to pay \$102 plus her current bill due 5/8/03. If not paid, electricity will be disconnected. If this happens, she will be terminated from Federal Housing Assistance Program.
- ♦ Ex 3: 2/10/03 applied to Cinergy Assistance Program not 11/02 as the Trustee states.
- ♦ Ex 4: Notices from National Payment Center, Department of Education requesting payment on defaulted on student loans for herself. She plans to attend two (2) classes at Ivy Tech this summer and has applied for the nursing program at St. Elizabeth School of Nursing. She is a certified Respiratory Therapist but doesn't hold a current Indiana State License.
- ♦ Ex 5: Summons from Superior Court IV stating local car dealer Michael Dimmitt's intent to sue for non-payment on her car. Ms Gerrard has not made payments on her car or car insurance within 60 days proceeding her application.

Applicant's Exhibits 1-5 were admitted.

Mr. Parkinson submitted Trustee's Exhibits 1-5 and asked Mrs. Hobaugh for explanations.

- ♦ Ex 1: Ms Gerrard's application for energy assistance on 3/25/03.
- ♦ Ex 2: Cinergy bill showing \$611.15 was due on 4/9/03.
- ♦ Ex 3: Trustee's denial based on defaulted deferred payment to Cinergy. Trustee based denial on information given by Cinergy since energy assistance began in 11/02. One payment of \$130 was received 3/6/03. Denial also based on wasted resources such as payment to Department of Education for student loans, car payment, and car insurance.
- ♦ Ex 4: Ms Gerard's appeal to the Commissioners dated 4/8/03. Also portion of Township's Standards (31)(c) stating **"Failure to make deferred payments** as agreed upon to Utility Company may result in denial

of Poor Relief Assistance".

- ♦ Ex 5: Faxed bills from Cinergy. Page 5 confirms default by showing breach dates of 12/10/02 and 1/10/03. The company that sets up the payments determines if in default.
Exhibit also shows deferred payment arrangement set up 4/10/03 to pay off \$611.15:
106.15 + current bill due 5/8/03
101.00 + current bill due each month 6/8/03 thru 10/8/03

Mrs. Hobaugh stated Ms Gerrard is eligible to reapply for assistance each month if she cannot meet this deferred payment schedule. She can also apply for other forms of assistance if necessary.

Trustee's Exhibits 1-5 were admitted.

➔ Commissioner Ruth E. Shedd entered the meeting.

Ms Trice's Summation

- ♦ Ms Gerrard disputes she made payments on student loans or her car.
- ♦ Ms Gerrard disputes the Trustee's denial based on missed payments on deferred payment plan because it was a budget plan beginning on 9/02 that is offered to all Cinergy customers. Two missed budget payments of \$165 each.
- ♦ Ms Gerrard cannot request assistance if unable to make the deferred payments and cited IC 12-20-6-6.6 that says "the Township Trustee cannot extend aid to a person for services that person received during a period that the Township Trustee has previously denied assistance".
- ♦ Ms Gerrard was wrongfully denied by the Trustee and, if denied here today, will be ineligible to receive Cinergy assistance.

Mrs. Hobaugh's Summation

- ♦ The Trustee's denial was based on Cinergy's statement that applicant breached a deferred contract.

Mr. Parkinson's Summation

- ♦ The appeal is moot because Ms Gerrard is now on a deferred payment plan and nothing is due until 5/8/03. If she is unable to pay, she can apply for assistance from the Trustee because deferred payment is being responsible.
- ♦ IC 12-20-6-6.6 does not apply to deferred payment. The Statute is meant to keep applicants from reapplying for old debt. It is preferable to seek a deferred payment to better budget. It is contrary to the purpose of the Statute to deny an applicant for acting financially responsible. If the company (Cinergy) declares the money is owed in the future, it is not the Trustee's position to invoke this Statute until the company declares it is a past debt.

County Attorney Luhman informed the participants they may present written Findings of Face to the Commissioners by 4:30 P.M., Friday, April 18, 2003. The Commissioners will have an Order by next week.

There being no further business, the meeting adjourned.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor